



# House of Representatives

## File No. 701

General Assembly

February Session, 2014

**(Reprint of File No. 447)**

Substitute House Bill No. 5530  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 28, 2014

### **AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING BULK WATER HAULERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) On and after October 1,  
2       2014, no person shall act as a bulk water hauler unless such person has  
3       obtained a license issued by the Department of Public Health in  
4       accordance with this section. For purposes of this section: (1) "Bulk  
5       water hauling" means transporting water to a water company or a  
6       consumer of a water company, in bulk by any means, where such  
7       water is to be used for public drinking water supply purposes; (2)  
8       "bulk" means two hundred fifty gallons of water or more; (3)  
9       "consumer" has the same meaning as in section 25-32a of the general  
10      statutes; (4) "water company" has the same meaning as in section 25-  
11      32a of the general statutes; and (5) "commissioner" means the  
12      Commissioner of Public Health or the commissioner's designee.

13      (b) Each person seeking licensure as a bulk water hauler shall make  
14      application on a form prescribed by the department, pay an

15 application fee of one hundred dollars and present evidence  
16 satisfactory to the commissioner that the applicant has the  
17 qualifications necessary to engage in bulk water hauling.

18 (c) The commissioner shall establish (1) the qualifications to obtain a  
19 license as a bulk water hauler, and (2) requirements designed to ensure  
20 that any water transported by a bulk water hauler is fit for human use  
21 and consumption.

22 (d) Licenses shall be renewed once every two years in accordance  
23 with the provisions of section 19a-88 of the general statutes. The fee for  
24 renewal shall be one hundred dollars. No license shall be issued under  
25 this section to any applicant who has been the subject of professional  
26 disciplinary action relating to the hauling of bulk water in this or any  
27 other state or jurisdiction.

28 (e) Any water transported by bulk water hauling shall meet the  
29 requirements of section 25-32 of the general statutes and regulations  
30 adopted thereunder. No bulk water hauler shall deliver water to a  
31 consumer of a water company without first notifying the water  
32 company of such delivery. Bulk water hauling to a water company or a  
33 consumer of a water company shall be permitted only as a temporary  
34 measure to alleviate a water supply shortage.

35 (f) The commissioner may periodically inspect any equipment or  
36 material used in connection with bulk water hauling, may investigate  
37 any water supply from which a bulk water hauler obtains water in  
38 accordance with section 25-34 of the general statutes and may issue  
39 any order necessary to protect the public health. Any order issued  
40 under this subsection shall not be stayed upon any appeal by a licensee  
41 under section 25-34 or 25-36 of the general statutes.

42 (g) The commissioner may adopt regulations, in accordance with  
43 the provisions of chapter 54 of the general statutes, to implement the  
44 provisions of this section.

45 (h) The commissioner may take any disciplinary action set forth in

46 section 19a-17 of the general statutes against a bulk water hauler for  
47 any of the following reasons: (1) Fraud or deceit in obtaining or  
48 renewing a license to act as a bulk water hauler; (2) fraud or deceit in  
49 rendering services under the license; (3) negligent, incompetent or  
50 wrongful conduct in rendering services under the license; or (4)  
51 violation of any provision of this section or regulations adopted under  
52 this section. The commissioner may take action pursuant to said  
53 section 19a-17 after providing notice and an opportunity for a hearing  
54 on any contemplated action under said section 19a-17.

55 (i) Any person who violates any provision of this section shall, for  
56 each offense, be guilty of a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>from passage</i>	New section
-----------	---------------------	-------------

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Judicial Dept.	GF - Potential Revenue Gain	Up to 3,000	Up to 1,000
Public Health, Dept.	GF - Revenue Gain	500 - 600	100 - 200

**Municipal Impact:** None

#### **Explanation**

The bill creates a new Department of Public Health (DPH) licensure category of "Bulk Water Hauler," resulting in a General Fund revenue gain of \$500 to \$600 in FY 15 and \$100 to \$200 in FY 16 from the collection of associated fees. The bill also establishes a class C misdemeanor for violations of the provisions of the bill, resulting in a potential revenue gain of up to \$3,000 in FY 15 and \$1,000 in FY 16.

It is estimated that five to six people will seek licensure in FY 15 and an additional one to two people will do so in FY 16. The application fee for licensure is \$100 under the bill and license renewal is once every two years. There is no cost to DPH to accommodate this new licensure category as anticipated applicants are few and the agency has expertise in licensure of water-related professions.<sup>1</sup>

House "A" made clarifying changes to the underlying bill and did not result in a fiscal impact.

<sup>1</sup>These include Water Treatment Plant Operator, Water Distribution System Operator, Small Water System Operator, Backflow Prevention Device Tester and Cross Connection Survey Inspector.

***The Out Years***

The fiscal impact identified above would continue into the future subject to the number of applicants for bulk water hauler licensure, the number of renewals and the number of violations of the provisions of the bill.

**OLR Bill Analysis****sHB 5530 (as amended by House "A")\******AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S  
RECOMMENDATIONS REGARDING BULK WATER HAULERS.*****SUMMARY:**

Starting October 1, 2014, this bill requires bulk water haulers to be licensed by the Department of Public Health (DPH). "Bulk water hauling" is the transportation of more than 250 gallons of water to a water company or consumer for public drinking water supply purposes. The bill permits bulk water hauling only to alleviate a water supply shortage. It requires the public health commissioner to establish the qualifications for licensure as well as requirements designed to ensure that any water transported in bulk is fit for human use and consumption. It also authorizes her to adopt implementing regulations.

Under the bill, an individual who violates any bulk water hauling laws or regulations is guilty of a class C misdemeanor, punishable by imprisonment for up to three months, a fine of up to \$500, or both.

\*House Amendment "A" changes the definition of bulk water hauling. Under the original bill, bulk water includes any water hauled by bulk that is used for drinking, culinary, or any other purpose where it is likely to be ingested or used by humans. The amendment also (1) prohibits granting a license to someone who has been the subject of professional disciplinary action relating to bulk water hauling, (2) eliminates the prohibition on licensing individuals with pending disciplinary actions or unresolved complaints, and (3) broadens the circumstances in which using bulk water is permitted from short-term water supply shortages to all such shortages.

EFFECTIVE DATE: Upon passage

## **BULK WATER HAULING**

### ***Licensure***

Applications for a bulk water hauler license must be made on a DPH form and include satisfactory evidence that the applicant is qualified to engage in bulk water hauling. Applications and renewals (every two years) cost \$100. The bill prohibits granting a license to any applicant who has been the subject of professional disciplinary action relating to bulk water hauling in Connecticut or another jurisdiction.

### ***Safety Requirements***

Any water transported in bulk must meet the laws and DPH regulations governing water quality, including the physical, radiological, and microbiological standards set for public drinking water. In addition, the bill prohibits delivering bulk water to any consumer without first notifying his or her water company.

The bill also allows the commissioner to periodically inspect any equipment or material used in connection with bulk water hauling as well as the water supply from which the water originated. She may issue any order necessary to protect the public health. Such an order may not be stayed upon appeal by a licensee.

### ***Enforcement of Noncompliance***

The bill allows the commissioner to take disciplinary action against a bulk water hauler for (1) fraud or deceit in obtaining or renewing a license; (2) fraud or deceit in rendering services under the license; (3) negligent, incompetent, or wrongful conduct; or (4) violating any bulk water hauling laws or regulations. The commissioner may take appropriate disciplinary action, including revoking or suspending license, after providing notice and an opportunity for a hearing.

## **BACKGROUND**

### ***Related Bills***

SB 306, (File 565) reported favorably by the Environment and

Appropriations committees, requires the Department of Energy and Environmental Protection (DEEP) commissioner, within available appropriations, to arrange for potable drinking water to be transported to residential and school buildings affected by pollution.

sHB 5420, (File 407) reported favorably by the Environment Committee, requires the DEEP commissioner to make water available for the firefighting and public health needs of certain communities affected by pollution. It requires DEEP to cover the full cost of providing such water.

sHB 5424, (File 467) reported favorably by the Environment and Planning and Development committees, requires the Water Planning Council to develop water emergency response plans.

### **COMMITTEE ACTION**

#### Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2014)

#### Judiciary Committee

Joint Favorable

Yea 30 Nay 0 (04/17/2014)